



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on January 11, 2008
Planning Board Meeting of February 28, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-95 – Courtney Watson, Councilperson

Request: Zoning Regulation Amendment to amend Section 103.A. of the Definitions section to establish a new definition for “Neighborhood Preservation Parcel”.

To amend Section 128 (Supplementary Zoning District Regulations) to create a new Section 128.L. establishing new regulations detailing how qualifying Neighborhood Preservation Parcels may be used as sending parcels to send residential density to certain receiving districts, and the necessary procedures covering such an exchange of residential density.

To amend Section 107 (R-ED District), Section 108 (R-20 District), and Section 109 (R-12 District) to establish new regulations allowing Neighborhood Preservation Parcels in those districts to be sending parcels in accordance with the new Section 128.L. regulations.

To amend Section 111 (R-SA-8 District), Section 112 (R-A-15 District), Section 126 (PGCC District), Section 127 (MXD District), Section 127.5 (CAC District), and Section 127.6 (TNC District) establishing new regulations allowing parcels in those districts to be developed as receiving parcels with certain maximum percentages of bonus residential density as derived from sending Neighborhood Preservation Parcels, in accordance with the new Section 128.L. regulations.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes several significant amendments to the Zoning Regulations for the purpose of creating a new density exchange process enabling the preservation of relatively small properties within R-ED, R-20 and R-12 District neighborhoods that would otherwise be subdivided or resubdivided as infill developments (“Developable Infill Parcels”).**

As stated in the petition, the reason for the amendments is that they “...would be an additional tool to be used to curb the ever-increasing frustration and tension experienced by residents in older neighborhoods, developers, and government officials over the problem of infill development.”

I. DESCRIPTION OF PROPOSAL (continued)

- **This innovative concept is intended for maintaining the character of existing residential neighborhoods by allowing the residential density of a Developable Infill Parcel of two or less net acres to be sent to certain qualifying receiving parcels as bonus density, to be used in residential developments on those receiving parcels, so that the Developable Infill Parcel then is preserved intact as a Neighborhood Preservation Parcel.**

The concept is reasonably similar to the residential density exchange process that has been ongoing for many years in the RC and RR Districts, for properties with the Density Exchange Option (DEO) overlay that is intended for the preservation of the Rural West.

It differs from the DEO process because it covers the entire R-ED, R-20 and R-12 Districts without the need for an overlay district; it would involve much smaller amounts of residential density and much smaller preservation parcels; and would permit the extracted density to be sent to receiving parcels in six qualifying districts, rather than the two in the DEO process.

- **The principal segment of the proposed regulations would be a new Section 128.L. entitled “Density Exchange for Neighborhood Preservation Parcels” that would be added to the Supplementary Zoning District Regulations.**

This section first sets the qualifying criteria for parcels to be eligible to become sending parcels as parcels that are in the R-ED, R-20 or R-12 Districts; that qualify as Residential Infill Development as defined in the Subdivision and Land Development Regulations; that are less than two net acres; and that could otherwise be developed for additional residential lots. As noted below in the description of the new definition for the term “Neighborhood Preservation Parcel”, the parcel must also be improved with an existing dwelling unit.

It sets the ratio of density exchange for R-ED and R-20 parcels at two development rights per net acre, while the ratio for R-12 parcels is three development rights per net acre.

This section specifies the nature of the easement that must be recorded on the sending parcel (the “Neighborhood Preservation Parcel Easement”), including its approval, prohibitions on use and development, maintenance of the parcel, and the qualifying parties to the easement.

- **Section 128.L. also sets the criteria for Receiving Developments on properties in the R-SA-8, R-A-15, PGCC, CAC, TNC, and MXD Districts, and specifies the ratios by which the received development right is converted to the potential different types of residential dwelling units in the Receiving Development.**

One received development right would be needed for one single-family detached dwelling unit in the Receiving Development; 0.5 development right would be needed for one townhouse; and 0.35 development right would be needed for one apartment.

I. DESCRIPTION OF PROPOSAL (continued)

In the MXD District, the receiving of density could only be used for developments within an approved Mixed Use Development, and could not be used for properties that only have the MXD designation but have not been included in an approved Preliminary Development Plan for a Mixed Use Development.

- **Finally, Section 128.L. covers certain additional requirements, including the retention of one development right on the sending Neighborhood Preservation Parcel, the procedures for the approval of both the sending Neighborhood Preservation Parcel and the Receiving Development, and the procedures for recording the necessary plats to document the density exchange for both the sending Neighborhood Preservation Parcel and the Receiving Development.**
- **A fundamental amendment that is necessary in order to create this new concept of a Neighborhood Preservation Parcel is to officially define the term. The proposed amendment to Section 103.A. would add this definition.**

A Neighborhood Preservation Parcel is less than 2 net acres; is in the R-ED, R-20 or R-12 District; is a parcel that existed prior to the effective date of this ZRA-95 proposal; is improved with an existing dwelling unit; is designated as a sending parcel on a recorded plat; and is covered by a Neighborhood Preservation Parcel Easement.

This definition also includes a requirement that any new structures on the Neighborhood Preservation Parcel cannot be larger than 50 percent of the footprint of the existing dwelling unit on the parcel, thereby ensuring that the existing character of the parcel does not change to any significant degree.

- **The amendments to the R-ED, R-20, and R-12 Districts would add an identical provision in each district allowing owners of qualifying parcels to use the Section 128.L. regulations to exchange residential density as provided in that section.**
- **The amendments to the R-SA-8, R-A-15, PGCC, CAC, TNC, and MXD Districts would add similar provisions in each district allowing parcels in those districts to be developed as Receiving Developments as provided in Section 129.L.**

One difference in these amendments is the amount of maximum exchanged density that could be used for a Receiving Development. In the R-SA-8, R-A-15, CAC, and TNC Districts, the maximum additional density is 10 percent more than the maximum standard density permitted in the district.

In the PGCC and MXD Districts, the maximum additional density is 5 percent more than the maximum standard density permitted in the district. This additional density could only be used in the PGCC District if the Comprehensive Sketch Plan or Final Development Plan is amended to allow the additional dwelling units by Planning Board approval. In the MXD District, this would require Zoning Board approval of a similar amendment to the approved Preliminary Development Plan.

I. DESCRIPTION OF PROPOSAL (continued)

- The complete amendment text is attached to this Technical Staff Report as Attachment A (CAPITALS indicates text to be added).

II. EXISTING REGULATIONS

- Although the basic concept of transferring development rights in order to preserve land has become fairly common in the Rural West within the DEO Overlay areas, this proposal is the first in the County to apply that same concept to help solve some ongoing issues of neighborhood preservation and infill development pressures in the much more densely developed eastern areas of the County.
- The proposed amendments would create an innovative method allowing property owners of Developable Infill Parcels within R-ED, R-20, and R-12 neighborhoods to have an option to realize some financial returns on the value of their properties without having to actually subdivide and develop the land.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The sections of the amendments concerning Neighborhood Preservation Parcels functioning as sending parcels to transfer development rights elsewhere are only applicable in the R-ED, R-20 and R-12 Districts for Developable Infill Parcels of less than two acres that also comply with the other qualifying criteria and can comply with the definition of “Neighborhood Preservation Parcel”.
- The sections of the amendments concerning Receiving Parcels and Receiving Developments would only be applicable to parcels being developed with residential uses in the R-SA-8, R-A-15, CAC, and TNC Districts, and for parcels being developed with residential units in the PGCC and MXD Districts, provided that the additional residential density has been authorized by prior approval of the Planning Board or the Zoning Board.

B. Agency Comments

- The following agencies had no objections to the proposal:
 1. Department of Recreation & Parks
 2. Department of Fire and Rescue Services
 3. Department of Inspections, Licenses and Permits

No comments were received to date from the following agency:

1. Bureau of Environmental Health

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- Even though the amendments further the preservation of potential infill development parcels rather than the actual development of those parcels, the Department of Planning and Zoning concurs with the Petitioner that the proposed ZRA 95 amendments are in harmony with the Community Conservation and Enhancement Policy No. 5.7 to “Ensure infill development will be compatible with existing neighborhoods.”

As with ZRA 96 and the concurrently proposed infill development amendments to the Subdivision and Land Development Regulations, the proposed ZRA 95 amendments help accomplish the Relationship to Adjacent Neighborhoods goal by amending the development related regulations for the purpose of achieving better compatibility and preserving the longstanding character of R-ED, R-20 and R-12 residential neighborhoods.

B. Relation to the Zoning Regulations

- With a principal intent to create a residential density transfer process which may help to maintain the overall character of existing low density residential neighborhoods, the ZRA 95 amendments are also in harmony with the Legislative Intent of the Zoning Regulations to “...protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County...”.

V. RECOMMENDATION APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-95, as noted above, be **APPROVED**.

 02/14/2008
Marsha S. McLaughlin, Director Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

ATTACHMENT A

SECTION 103: Definitions

120. PRESERVATION PARCEL, NEIGHBORHOOD: A RESIDENTIAL INFILL PARCEL LESS THAN 2 NET ACRES IN SIZE IN THE R-20, R-12, OR R-ED ZONING DISTRICTS THAT EXISTED ON _____ [Insert the effective date of ZRA 95] AND IS DESIGNATED AS A SENDING PARCEL ON A REVISION PLAT OR A FINAL PLAT OF EASEMENT. A NEIGHBORHOOD PRESERVATION PARCEL SHALL BE ENCUMBERED BY A NEIGHBORHOOD PRESERVATION PARCEL EASEMENT, IMPROVED WITH AN EXISTING DWELLING UNIT, AND ANY NEW STRUCTURES PLACED ON THE SITE SHALL NOT BE LARGER THAN 50 PERCENT OF THE BUILDING FOOTPRINT OF THE DWELLING UNIT EXISTING AT THE TIME THE NEIGHBORHOOD PRESERVATION EASEMENT IS RECORDED.

SECTION 107: R-ED (Residential: Environmental Development) District

A. Purpose

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

G. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS

1. A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L. OF THE ZONING REGULATIONS .

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 108: R-20 (Residential: Single) District

A. Purpose

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

F. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS

1. A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L. OF THE ZONING REGULATIONS .

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 109: R-12 (Residential: Single) District

A. Purpose

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

F. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS

1. A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L. OF THE ZONING REGULATIONS .

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 111: R-SA-8 (Residential: Single Attached) District

A. Purpose

The R-SA-8 District is established to provide clustered attached dwelling units. It is the intent of this district that the attached dwellings be compatible with adjacent residential zones.

E RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 112: R-A-15 (Residential: Apartments) District

A. Purpose

The R-A-15 District is established to provide the opportunity for high density apartments and single-family attached dwelling units.

E RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 126: PGCC (Planned Golf Course Community) District

A. Purpose

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50 percent of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

I. RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 5% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS, AND UPON PLANNING BOARD APPROVAL OF AN AMENDMENT TO THE COMPREHENSIVE SKETCH PLAN OR FINAL DEVELOPMENT PLAN

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 127: MXD (Mixed Use) Districts

A. Purpose

The Mixed Use Districts are established to permit flexible and efficient use of large parcels at key locations by combining housing, employment, local commercial and open space uses in accordance with a unified design. Appropriate locations for the MXD Districts will be characterized by availability of public utilities, good access to collector or arterial highways, and potential access to public transit facilities. The phasing of development in the MXD Districts is to

be concurrent with the phasing of required road improvements and is to result in a mix of land uses at the earliest feasible stage of development.

The MXD Districts provide for well designed communities which are compatible with surrounding neighborhoods and protective of the natural elements of the landscape. A Mixed Use Development is intended to include a planned network of open space which includes environmental areas, recreation areas, and public plazas or squares; a diversity of housing types at medium to high densities; and convenient pedestrian access between uses.

Two MXD Districts are established: the MXD-3 and MXD-6 Districts. The two districts allow differing intensities of land use in order to ensure that mixed use developments are compatible with surrounding land uses.

A Mixed Use Development shall contain at least one focal point: an area of diverse, integrated land uses, designed to create a distinct focus for the development. Focal points should be scaled and oriented to pedestrian movement and should incorporate public transit access if available.

The MXD District regulations promote and allow planning innovation and design flexibility. Each plan submission for an MXD District must incorporate design considerations at an appropriate level of detail for the submission stage. A public hearing is required at the Preliminary Development Plan and Comprehensive Sketch Plan stages of the plan review process, to ensure adequate opportunity for public comment.

In order to allow appropriate uses prior to the approval of a Mixed Use Development, the MXD-3 and MXD-6 Districts are Overlay Districts. Uses allowed in the underlying district may be established prior to the approval of a Preliminary Development Plan for Mixed Use Development.

I RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 5% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS, AND UPON ZONING BOARD APPROVAL OF AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN.

[The subsections after this new subsection would be renumbered accordingly.]

SECTION 127.5 CAC (Corridor Activity Center) District

A. Purpose

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

F RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.

[The subsections after this new subsection would be renumbered accordingly.]

**SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER)
OVERLAY DISTRICT**

A. PURPOSE

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district. Development complying with the TNC district requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

G RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.

SECTION 128 Supplementary Zoning District Regulations

L. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS

1. IN THE R-ED, R-20, AND R-12 DISTRICTS, A PARCEL THAT QUALIFIES UNDER THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; IS LESS THAN 2 NET ACRES IN SIZE; AND IS ELIGIBLE TO BE DEVELOPED FOR ADDITIONAL RESIDENTIAL LOTS, MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION.

WITH THIS NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION, IN THE R-ED AND R-20 DISTRICTS DENSITY MAY BE EXCHANGED FROM A NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCEL TO AN ELIGIBLE RECEIVING PARCEL BASED ON A RATE OF 2 DEVELOPMENT RIGHTS PER NET ACRE, AND IN THE R-12 DISTRICT DENSITY MAY BE EXCHANGED FROM A NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCEL TO AN ELIGIBLE RECEIVING PARCEL BASED ON A RATE OF 3 DEVELOPMENT RIGHTS PER NET ACRE.

2. NEIGHBORHOOD PRESERVATION PARCEL EASEMENT REQUIREMENTS
 - A.. THE EASEMENT SHALL COVER THE ENTIRE SENDING PARCEL OR LOT THAT COMPLIES WITH THE DEFINITION OF A NEIGHBORHOOD PRESERVATION PARCEL IN SECTION 103.
 - B. THE EASEMENT SHALL BE APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING AND SHALL BE RECORDED AT THE TIME OF RECORDATION OF THE FINAL PLAT FOR THE NEIGHBORHOOD PRESERVATION PARCEL.
 - C. THE EASEMENT SHALL RUN WITH THE LAND, SHALL BE IN FULL FORCE AND EFFECT IN PERPETUITY, AND SHALL DESCRIBE AND IDENTIFY THE FOLLOWING:
 1. THE LOCATION AND SIZE OF ALL EXISTING IMPROVEMENTS ON THE PARCEL COVERED BY THE EASEMENT.
 2. A PROHIBITION ON FUTURE SUBDIVISION OF THE NEIGHBORHOOD PRESERVATION PARCEL.
 3. A PROHIBITION ON FUTURE USE OR DEVELOPMENT OF THE PARCEL FOR USES INCOMPATIBLE WITH THE NEIGHBORHOOD PRESERVATION PARCEL EASEMENT. ACCESSORY RESIDENTIAL USES ARE PERMITTED.
 4. THE PROVISIONS FOR MAINTENANCE OF THE NEIGHBORHOOD PRESERVATION PARCEL.

5. THE RESPONSIBILITY FOR ENFORCEMENT OF THE DEED OF NEIGHBORHOOD PRESERVATION PARCEL EASEMENT.
 6. THE PROVISIONS FOR SUCCESSION IN THE EVENT THAT ONE OF THE PARTIES TO THE DEED OF NEIGHBORHOOD PRESERVATION PARCEL EASEMENT CEASES TO EXIST.
- B. ONE OF THE FOLLOWING ENTITIES SHALL BE A PARTY TO THE DEED OF NEIGHBORHOOD PRESERVATION PARCEL EASEMENT IN ADDITION TO THE PROPERTY OWNER:
- 1 HOWARD COUNTY GOVERNMENT; OR
 - 2 MARYLAND ENVIRONMENTAL TRUST OR MARYLAND HISTORICAL TRUST; OR
 3. A LAND CONSERVATION ORGANIZATION APPROVED BY THE COUNTY COUNCIL.

3. RECEIVING DEVELOPMENT REQUIREMENTS

- .A. RESIDENTIAL DEVELOPMENT RIGHTS DERIVED FROM NEIGHBORHOOD PRESERVATION SENDING PARCELS MAY BE RECEIVED AS BONUS DENSITY FOR DEVELOPMENTS ON PARCELS IN THE R-SA-8, R-A-15, PGCC, CAC, TNC DISTRICTS, AND ALSO THE MXD DISTRICT FOR PROPERTY INCLUDED IN AN APPROVED PRELIMINARY DEVELOPMENT PLAN FOR A MIXED-USE DEVELOPMENT.
- B. DEVELOPMENT RIGHTS SHALL BE RECEIVED IN ACCORDANCE WITH THE FOLLOWING RATIOS:

TYPE OF DWELLING UNIT TO BE CONSTRUCTED	NUMBER OF DEVELOPMENT RIGHTS NEEDED PER DWELLING UNIT
SINGLE-FAMILY DWELLING	1
TOWNHOUSE DWELLING	.5
APARTMENT	.35

4. ADDITIONAL REQUIREMENTS

- .A. SENDING PARCELS

ONE DEVELOPMENT RIGHT MUST BE RETAINED ON THE SENDING PARCEL TO ALLOW FOR THE CONTINUED EXISTENCE OF THE EXISTING DWELLING UNIT.

B. DENSITY EXCHANGE

THE EXCHANGE OF DENSITY SHALL TAKE PLACE AS A PRIVATE EXCHANGE BETWEEN PROPERTY OWNERS, SUBJECT TO THE APPROVAL OF THE SENDING AND RECEIVING PARCELS BY THE DEPARTMENT OF PLANNING AND ZONING IN ACCORDANCE WITH THE PROCEDURES SET FORTH BELOW.

C. APPROVAL OF SENDING PARCEL

AN APPLICATION FOR APPROVAL OF THE SENDING PARCEL MAY BE MADE AT ANY TIME BEFORE THE INITIAL PLAN FOR THE RECEIVING DEVELOPMENT IS TECHNICALLY COMPLETE AND TENTATIVE HOUSING UNIT ALLOCATIONS HAVE BEEN GRANTED BY THE DEPARTMENT OF PLANNING AND ZONING, AND SHALL INCLUDE THE FOLLOWING:

1. A FINAL PLAT OF THE SENDING PARCEL.
2. DOCUMENTATION THAT THE SENDING PARCEL COMPLIES WITH THE CRITERIA IN SECTION 128.L.1.
3. A CALCULATION OF THE MAXIMUM NUMBER OF DEVELOPMENT RIGHTS WHICH MAY BE REMOVED FROM THE SENDING PARCEL.

D. APPLICATION FOR RECEIVING DEVELOPMENT

AN APPLICATION FOR THE USE OF THE DENSITY ON A RECEIVING PARCEL SHALL BE MADE TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL INCLUDE A CALCULATION OF THE PROPOSED DENSITY AND THE NUMBER OF DEVELOPMENT RIGHTS TO BE OBTAINED FROM ONE OR MORE SENDING PARCELS.

E. APPROVAL OF RECEIVING DEVELOPMENT

THE DEPARTMENT OF PLANNING AND ZONING SHALL TENTATIVELY APPROVE THE USE OF RECEIVING DENSITY ON THE RECEIVING DEVELOPMENT WHEN THE INITIAL PLAN SUBMISSION FOR THE DEVELOPMENT IS TECHNICALLY COMPLETE AND TENTATIVE HOUSING UNIT ALLOCATIONS ARE GRANTED.

F. PHASING OF RECEIVING DEVELOPMENTS

DENSITY FOR RECEIVING DEVELOPMENTS MAY BE RECORDED IN SECTIONS. A FINAL SUBDIVISION PLAN OR SITE DEVELOPMENT PLAN SHALL NOT BE APPROVED FOR THE RECEIVING DEVELOPMENT UNTIL ONE OR MORE SENDING PARCELS ARE APPROVED WHICH PROVIDE THE NECESSARY NUMBER OF ADDITIONAL DEVELOPMENT RIGHTS FOR THE LOTS SHOWN ON

THE FINAL SUBDIVISION PLAN, OR THE DWELLING UNITS INDICATED ON THE SITE DEVELOPMENT PLAN.

G. RECORDATION OF SENDING PARCELS AND RECEIVING DEVELOPMENTS.

FOLLOWING THE APPROVAL OF THE INITIAL PLAN FOR THE RECEIVING DEVELOPMENT, THE FOLLOWING DOCUMENTS SHALL BE RECORDED AT ONE TIME IN THE LAND RECORDS OF HOWARD COUNTY.

1. A REVISION PLAT OR A FINAL PLAT OF EASEMENT FOR EACH SENDING PARCEL, DESIGNATING THE PROPERTY AS A NEIGHBORHOOD PRESERVATION SENDING PARCEL AND INDICATING THE NUMBER OF DEVELOPMENT RIGHTS THAT HAVE BEEN REMOVED FROM THE PARCEL, THE LOCATION OF THE RECEIVING DEVELOPMENT, AND THAT ONE DEVELOPMENT RIGHT HAS BEEN RETAINED FOR THE EXISTING DWELLING UNIT ON THE NEIGHBORHOOD PRESERVATION SENDING PARCEL.
2. A DEED OF NEIGHBORHOOD PRESERVATION PARCEL EASEMENT FOR EACH NEIGHBORHOOD PRESERVATION SENDING PARCEL THAT COMPLIES WITH SECTION 128.L.2.
3. A FINAL PLAT FOR THE RECEIVING DEVELOPMENT PARCEL WHICH MAY BE A FINAL SUBDIVISION PLAT DIVIDING THE RECEIVING DEVELOPMENT PARCEL INTO LOTS, OR MAY BE A DENSITY-RECEIVING PLAT THAT RECORDS THE NUMBER OF DEVELOPMENT RIGHTS RECEIVED FROM SENDING PARCELS BUT DOES NOT SUBDIVIDE THE RECEIVING DEVELOPMENT PARCEL. DENSITY RECORDED ON THE FINAL PLAT FOR THE RECEIVING DEVELOPMENT PARCEL SHALL ONLY BE USED ON THAT RECEIVING DEVELOPMENT PARCEL.